BILL NO. X-96-12- 05

ANNEXATION ORDINANCE NO. X-04-96

AN ORDINANCE AMENDING ANNEXATION ORDINANCE NO. X-01-92.

WHEREAS, the Common Council did adopt Annexation Ordinance X-01-92 with a delayed effective date of December 31, 1999; and

WHEREAS, said annexation was a voluntary annexation pursuant to I.C.36-4-3-5; and

WHEREAS, the Petitioners to said Voluntary Annexation have filed a special petition with the Common Council of the City of Fort Wayne on November 22, 1996, a copy of which is attached hereto as Exhibit "A;" and

WHEREAS, said Voluntary Annexation Petitioners now request that the provision of Annexation Ordinance No. X-01-92 delaying the effective date of said Annexation be repealed; and

WHEREAS, said Voluntary Annexation Petitioners further request that said Annexation now be effective immediately after passage and any and all necessary approval by the Mayor, and any due legal publication thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Annexation Ordinance X-01-92 is hereby amended to read as follows:

SECTION 6. **"The above-described territory shall become a part of the City of Fort Wayne effective immediately after passage and any and all necessary approval by the Mayor, and any due legal publication."**

SECTION 2. The following provision of Section 6. Of Annexation Ordinance X-01-92 is hereby repealed:

"The above-described territory shall become a part of the City of Fort Wayne on December 31, 1999."

SECTION 3. This ordinance shall be in full force and effect after its passage and any and all necessary approval by the Mayor and due legal publication thereof.

Thomas Hayhurst
Council Member

APPROVED AS TO FORM AND LEGALITY

Philip H. Jarmon
Council Attorney

Read the first time in full and on motion by Hayhurst, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Council Conference Room 128, City-County Building, Fort Wayne,, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____M.,E.S.T.

DATED: 12-3-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Hayhurst, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	6	3		
BENDER	✓			
CRAWFORD	✓			
EDMONDS		✓		
HALL		✓		
HAYHURST		✓		
HENRY	✓			
LUNSEY	✓			
RAVINE	✓			
SCHMIDT	✓			

DATED: 12-17-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) ~~(SPECIAL)~~ ~~(ZONING)~~ ORDINANCE ~~RESOLUTION~~ NO. X-04-96 on the 17th day of December, 1996

ATTEST: (SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

D D Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1996, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20th day of December, 1996, at the hour of 5:30 o'clock P M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BEFORE THE
COMMON COUNCIL OF THE CITY OF FORT WAYNE

IN RE: THE VOLUNTARY AMENDMENT OF THE VOLUNTARY ANNEXATION ORDINANCE FOR THE ANNEXATION OF CERTAIN PROPERTY EAST OF BUETER ROAD AND WAYNE TRACE ROAD INTO THE CITY OF FORT WAYNE

On February 10, 1992, the undersigned Petitioners ("Petitioners") pursuant to IND.CODE § 36-4-3-5, voluntarily petitioned the City of Fort Wayne for the annexation of certain real estate, all as more particularly described in the Voluntary Petition Seeking Annexation, a copy of which is attached hereto and incorporated herein by reference (the "Voluntary Annexation Petition").

Pursuant to the Voluntary Annexation Petition, the Common Council of the City of Fort Wayne did adopt annexation ordinance number X-01-92 (the "Annexation Ordinance"). The Petitioners hereby amend the Voluntary Annexation Petition and request the Common Council of the City of Fort Wayne to amend the Annexation Ordinance so as to delete the postponement of the effective date of the Annexation Ordinance. In support of this Voluntary Amendment of the Voluntary Annexation Petition and Annexation Ordinance, the Petitioners state and represent:

1. That all of the land described in the Voluntary Annexation Petition and the Annexation Ordinance, which is the property sought to be annexed, is contiguous to the City of Fort Wayne, Indiana.

2. That the Petitioners did on February 10, 1992, and continue to this date, to be the owners of more than fifty-one percent (51%) of the land in the territory annexed as described in the Voluntary Annexation Petition and the Annexation Ordinance.

3. The Petitioners' land annexed pursuant to the Voluntary Annexation Petition and the Annexation Ordinance represented on February 10, 1992, and continues to represent to this date, more than seventy-five percent (75%) of the total assessed value (for property tax purposes).

4. That the Petitioners request the Common Council for the City of Fort Wayne to adopt an ordinance amending the Annexation Ordinance deleting the delayed effective date of the actual annexation of the annexed territory described in the Annexation Ordinance (which delayed effective date is December 31, 1999), and to provide that the Annexation

EXHIBIT "A"

Parts of Sections 16, 17, 20, 21, and 22 all in Township 30 North, Range 13 East (Adams Township), Allen County, Indiana more particularly described as follows:

Beginning on the present corporation limits of the City of Fort Wayne at the intersection of the North right-of-way line of Sherwood Terrace as recorded in the Plat of Fairfax Second Addition with the West right-of-way line of Bueter Road as recorded in said Plat; thence Northerly along the West right-of-way line of said Bueter Road and present corporation limits of the City of Fort Wayne to the North right-of-way line of Hoevel Road (also known as McKinnie Avenue); thence continuing Northerly along the West right-of-way line of Bueter Road extended North and Bueter Drive being the present corporation limits of the City of Fort Wayne to the North right-of-way line of Moeller Road; thence Easterly along said North right-of-way line of Moeller Road and present corporation limits of the City of Fort Wayne to the West line of the Northeast Quarter of said Section 17; thence Northerly along the West line of said Northeast Quarter and present corporation limits of the City of Fort Wayne to the Southerly right-of-way line of Conrail; thence Southeasterly along said Southerly Conrail right-of-way line to the Northeasterly corner of an existing 1.60 acre tract recorded as Document No. 81-017695 in the Office of the Recorder of Allen County, Indiana; thence Southeasterly to a point on the West line of the Southwest Quarter of said Section 16 said point being 200.00 feet North of the Southwest corner of said Southwest Quarter; thence Easterly, a distance of 1550.00 feet parallel with the South line of said Southwest Quarter; thence Southerly, a distance of 200.00 feet to the South line of said Southwest Quarter; thence Southeasterly to the intersection of the South right-of-way line of Conrail with the West line of the Northwest Quarter of said Section 22; thence Southeasterly along said Southerly Conrail right-of-way line to the point of curvature of a curve to the right; thence continuing Southeasterly along said curve and Southerly right-of-way line to the West line of an existing 5.32 acre tract recorded as Document No. 85-31082 in the Office of the Recorder of Allen County, Indiana; thence Southwesterly to a point on the North right-of-way line of Paulding Road said point being 1,317.3 feet East of the West line of the Southwest Quarter of said Section 22; thence Westerly along said North right-of-way line of Paulding Road to its point of intersection with the West right-of-way line of Adams Center Road; thence Northwesterly to the Southwest corner of an existing 79.45 acre tract, also being the Southwest corner of the East half of the Northwest Quarter of said Section 21; thence Northerly along the West line of said 79.45 acre tract, also being the West line of the East half of the Northwest Quarter of said Section 21, and an extension of the aforesaid line to its intersection with the North right-of-way line of Hoevel Road; thence Westerly along said North right-of-way line of Hoevel Road to its point of intersection with the East line of the Southeast Quarter of said Section 17; thence Southwesterly to a point on the North right-of-way line of Sherwood Terrace as recorded in the Plat of Fairfax Addition, said point being 200.00 feet East of the West line of said Northeast Quarter; thence Westerly along said North right-of-way line to the Point Of Beginning.

Ordinance be effective immediately after passage and any and all necessary approval by the Mayor, and any due legal publication.

Dated: 11/22/96, 1996.

NAVISTAR INTERNATIONAL TRANSPORTATION CORP.

BY: _____

Joseph V. Thompson

ITS AUTHORIZED AGENT

CHEMICAL WASTE MANAGEMENT OF INDIANA, L.L.C.

BY: _____

Becky S. Eatmon

ITS AUTHORIZED AGENT

TC, INC. (for itself and as successor to MUTUAL DEVELOPMENT COMPANY, INC.)

BY: _____

Becky S. Eatmon

ITS AUTHORIZED AGENT

BEFORE THE

COMMON COUNCIL OF THE CITY OF FORT WAYNE

IN RE: THE VOLUNTARY ANNEXATION OF CERTAIN PROPERTY EAST OF BEUTER ROAD AND WAYNE TRACE ROAD INTO THE CITY OF FORT WAYNE

The undersigned, pursuant to I.C. § 36-4-3-5, hereby petitions the Common Council of the City of Fort Wayne for the voluntary annexation of that real estate, as more particularly described on Exhibit A attached hereto. In support of this petition, the undersigned represents:

1. That all of the land described on Exhibit A which is the property sought to be annexed is contiguous to the City of Fort Wayne.

2. That the undersigned voluntary annexing property owners are the owners of more than fifty-one percent (51%) of the land in the territory sought to be annexed as described on Exhibit A.

3. That all of the land of the voluntary annexing property owners represents seventy-five percent (75%) of the total assessed valuation of all of the land sought to be voluntarily annexed for property tax purposes.

4. That the undersigned requests the Common Council for the City of Fort Wayne to adopt an ordinance annexing the property described on Exhibit A, with such voluntary annexation to be effective December 31, 1999.

Dated: 2-6-92

NAVISTAR INTERNATIONAL TRANSPORTATION CORP.

BY: Robert A. Boardman
Its Authorized Agent
Senior Vice President
General Counsel

MUTUAL DEVELOPMENT COMPANY, INC.

BY: James T. Banks
Its Authorized Agent

CHEMICAL WASTE MANAGEMENT OF INDIANA, INC.

BY: Al R. Temple
Its Authorized Agent

TC, INC.

BY: Bruce D. Tobecksen
Its Authorized Agent

FORT WAYNE, IND.
RECEIVED
FEB 10 1992
SANDRA E. KENNEDY
CITY CLERK

36759.vih/sm.1

LEGAL DESCRIPTION

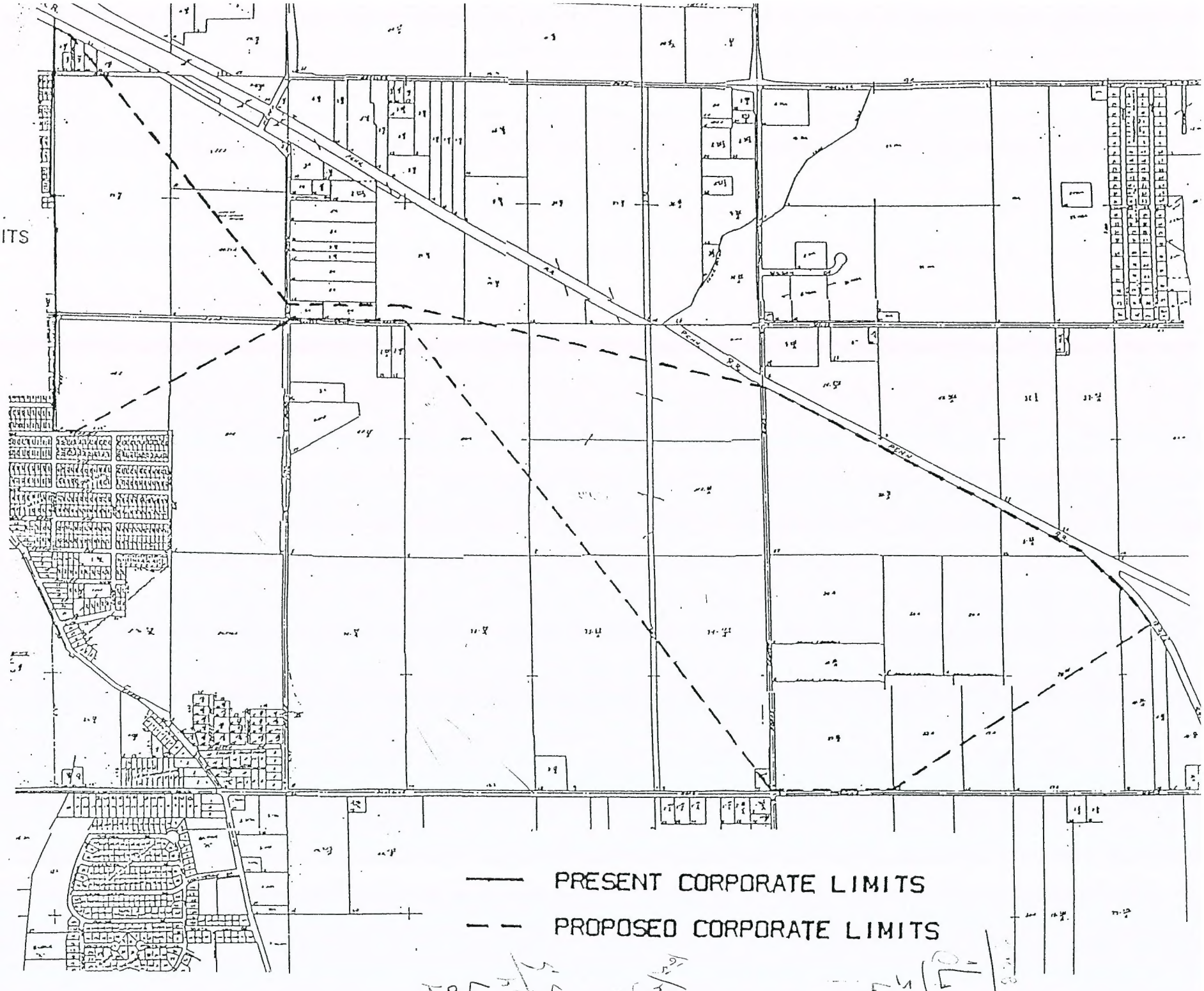
Parts of Sections 16, 17, 20, 21, and 22 all in Township 30 North, Range 13 East (Adams Township), Allen County, Indiana more particularly described as follows:

Beginning on the present corporation limits of the City of Fort Wayne at the intersection of the North right-of-way line of Sherwood Terrace as recorded in the Plat of Fairfax Second Addition with the West right-of-way line of Bueter Road as recorded in said Plat; thence Northerly along the West right-of-way line of said Bueter Road and present corporation limits of the City of Fort Wayne to the North right-of-way line of Hoevel Road (also known as McKinnie Avenue); thence continuing Northerly along the West right-of-way line of Bueter Road extended North and Bueter Drive being the present corporation limits of the City of Fort Wayne to the North right-of-way line of Moeller Road; thence Easterly along said North right-of-way line of Moeller Road and present corporation limits of the City of Fort Wayne to the West line of the Northeast Quarter of said Section 17; thence Northerly along the West line of said Northeast Quarter and present corporation limits of the City of Fort Wayne to the Southerly right-of-way line of Conrail; thence Southeasterly along said Southerly Conrail right-of-way line to the Northeasterly corner of an existing 1.60 acre tract recorded as Document No. 81-017695 in the Office of the Recorder of Allen County, Indiana; thence Southeasterly to a point on the West line of the Southwest Quarter of said Section 16 said point being 200.00 feet North of the Southwest corner of said Southwest Quarter; thence Easterly, a distance of 1550.00 feet parallel with the South line of said Southwest Quarter; thence Southerly, a distance of 200.00 feet to the South line of said Southwest Quarter; thence Southeasterly to the intersection of the South right-of-way line of Conrail with the West line of the Northwest Quarter of said Section 22; thence Southeasterly along said Southerly Conrail right-of-way line to the point of curvature of a curve to the right; thence continuing Southeasterly along said curve and Southerly right-of-way line to the West line of an existing 5.32 acre tract recorded as Document No. 85-31082 in the Office of the Recorder of Allen County, Indiana; thence Southwesterly to a point on the North right-of-way line of Paulding Road said point being 1,317.3 feet East of the West line of the Southwest Quarter of said Section 22; thence Westerly along said North right-of-way line of Paulding Road to its point of intersection with the West right-of-way line of Adams Center Road; thence Northwesterly to the intersection of the North right-of-way line of Hoevel Road with the Northerly extension of the East line of the West half of the Northwest Quarter of said Section 21; thence Westerly along said North right-of-way line of Hoevel Road to its point of intersection with the East line of the Southeast Quarter of said Section 17; thence Southwesterly to a point on the North right-of-way line of Sherwood Terrace as recorded in the Plat of Fairfax Addition, said point being 200.00 feet East of the West line of said Northeast Quarter; thence Westerly along said North right-of-way line to the Point Of Beginning.

EXHIBIT A

CITY LIMITS

EXHIBIT A



— PRESENT CORPORATE LIMITS

— — PROPOSED CORPORATE LIMITS

HELMKE, BEAMS, BOYER & WAGNER
COUNSELORS AT LAW
SUITE 300
202 WEST BERRY STREET
FORT WAYNE, INDIANA 46802-2216
TELEPHONE (219) 422-7422
FACSIMILE (219) 422-6764

WALTER P. HELMKE
R. DAVID BOYER
ROBERT A. WAGNER
J. TIMOTHY MCCAULAY
DANIEL J. BORGMANN
TRINA GLUSENKAMP GOULD

WALTER E. HELMKE
(1901-1976)

WILLIAM A. BERNING
GLEN J. BEAMS
JOHN G. REIBER
OF COUNSEL

April 7, 1997

Sandra Kennedy
City Clerk
City-County Building, Room 122
Fort Wayne, Indiana 46802

Re: Adams Center Landfill Annexation

Dear Sandy:

Enclosed please find a Notice of Deposition scheduling you for a deposition on April 21, 1997, at 10:00 a.m., at my law firm office. Please call me to confirm your attendance.

Sincerely,

HELMKE, BEAMS, BOYER & WAGNER

Tim

J. Timothy McCaulay

JTM/jae

Enc.

Mayor signed 12/20 at 5:30
Back in clerks office on Mon 12/23/96.
(Holiday on 12-24 + 25-)
Sent to Newspapers on Tues 12/31/96.

Mailed on vacation and did not
12-23-96 Thru
return until 12-30-96.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

IN THE ALLEN SUPERIOR COURT

CAUSE NO. 02D01-9701-CP-90

FILED

1997 APR 7 PM 2:17

JANET BRADBURY, HOWARD TRAXMOR, WILLIAM BLOCH, ETHYLE BLOCH, and NEW HAVEN-ADAMS TOWNSHIP FIRE & EMS JOINT GOVERNING BOARD,
Plaintiffs,

v.

CITY OF FORT WAYNE, INDIANA
Defendant.

NOTICE OF DEPOSITION

TO: Sandra Kennedy
Fort Wayne City Clerk
c/o Tim McCauley, Esquire
202 West Berry Street, Suite 300
Fort Wayne, IN 46802

You are hereby notified that the Plaintiffs, by counsel, will take the deposition of Sandra Kennedy, Fort Wayne City Clerk, for purposes of discovery in the above entitled action on April 21, 1997, at 10:00 a.m., at the City Attorney's Office, 202 West Berry, Suite 300, in the City of Fort Wayne, County of Allen, State of Indiana, before a notary public or other officer authorized to administer oaths under the laws of the State of Indiana. Said deposition to continue from day to day until completed.

Avery Boyer & Van Gilder

By: David C Van Gilder
DAVID C. VAN GILDER
ID# 15290-02
202 West Berry Street. Suite 200
Fort Wayne, IN 46802
Telephone: 219/424-8132

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Notice to Take Deposition was served on Attorney Tim McCauley, Courthouse Box 25 and Rolf Reporting, by first class mail, postal prepaid, or Courthouse mail on the 7 day of April 1997.

David C Van Gilder

DAVID C. VAN GILDER

cks\notice.depo.3rd party

BILL NO. X-96-12-05

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending Annexation
Ordinance No. X-01-92

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS	DO NOT PASS	ABSTAIN	NO REC
	Thomas E. Hayhurst		Thomas E. Hayhurst
	Andrew Hall		Rebecca J. Ravine
	Arthur R Edmonds		[illegible]
			[illegible]
			[illegible]
			[illegible]
			[illegible]

DATED: 12-17-96

Sandra E. Kennedy
City Clerk

LEGAL NOTICE

Notice is hereby given that on the 17th day of December, 19 96, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. X-96-12-05 Annexation Ordinance No. X-04-96 to-wit:

BILL NO. X-96-12- 05

ANNEXATION ORDINANCE NO. X-04-96

AN ORDINANCE AMENDING ANNEXATION ORDINANCE NO. X-01-92.

WHEREAS, the Common Council did adopt Annexation Ordinance X-01-92 with a delayed effective date of December 31, 1999; and

WHEREAS, said annexation was a voluntary annexation pursuant to I.C.36-4-3-5; and

WHEREAS, the Petitioners to said Voluntary Annexation have filed a special petition with the Common Council of the City of Fort Wayne on November 22, 1996, a copy of which is attached hereto as Exhibit "A;" and

WHEREAS, said Voluntary Annexation Petitioners now request that the provision of Annexation Ordinance No. X-01-92 delaying the effective date of said Annexation be repealed; and

WHEREAS, said Voluntary Annexation Petitioners further request that said Annexation now be effective immediately after passage and any and all necessary approval by the Mayor, and any due legal publication thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Annexation Ordinance X-01-92 is hereby amended to read as follows:

SECTION 6. **"The above-described territory shall become a part of the City of Fort Wayne effective immediately after passage and any and all necessary approval by the Mayor, and any due legal publication."**

SECTION 2. The following provision of Section 6. Of Annexation Ordinance X-01-92 is hereby repealed:

"The above-described territory shall become a part of the City of Fort Wayne on December 31, 1999."

SECTION 3. This ordinance shall be in full force and effect after its passage and any and all necessary approval by the Mayor and due legal publication thereof.

Thomas E. Hayhurst

THOMAS E. HAYHURST
Council Member

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

December 31, 1996

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of January 3, 1997, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. X-96-12-05
Amending Annexation
Ordinance No. X-01-92

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

Read the third time in full and on motion by Hayhurst, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six
Bender, Crawford, Henry, Lunsey,
Ravine, Schmidt
NAYS: Three
Edmonds, Hall, Hayhurst
ABSTAINED: None
ABSENT: None

DATED: 12-17-96

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-04-96 on the 17th day of December, 1996

ATTEST: SEAL

Sandra E. Kennedy
City Clerk

D. J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1996, at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 20th day of December, 1996, at the hour of 5:30 o'clock P.M.,E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-04-96, passed by the Common Council on the 17th day of December, 19 96, and that said Ordinance was duly signed and approved by the Mayor on the 20th day of December, 19 96, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 27th day of December, 19 96.

SEAL

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Form Prescribed by State Board of Accounts

General Form No. 99P (Revised 1987)

FW COMMON COUNCIL
(Governmental Unit)

ALLEN County, Indiana

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

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GES

columns wide equals 117 equivalent lines $ 42.59

es containing rule or tabular work
nt)

publication ($1.00 for each proof in excess of two) 1.00

AIM $ 43.59

OST

.5 ems

and penalties of Chapter 155, Acts 1953,

oregoing account is just and correct, that the amount
er allowing all just credits, and that no part of the

Julie L Smith

, 19 97 Title: Clerk

LEGAL NOTICE

Notice is hereby given that on the 17th day of December, 1996, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. X-96-12-05 Annexation Ordinance No. X-04-96 to-wit:

BILL NO. X-96-12-05

ANNEXATION ORDINANCE NO. X-04-96

AN ORDINANCE AMENDING ANNEXATION ORDINANCE NO. X-01-92.

WHEREAS, the Common Council did adopt Annexation Ordinance X-01-92 with a delayed effective date of December 31, 1999; and

WHEREAS, said annexation was a voluntary annexation pursuant to I.C.36-4-3-5; and

WHEREAS, the Petitioners to said Voluntary Annexation have filed a special petition with the Common Council of the City of Fort Wayne on November 22, 1996, a copy of which is attached hereto as Exhibit "A;" and

WHEREAS, said Voluntary Annexation Petitioners now request that the provision of Annexation Ordinance No. X-01-92 delaying the effective date of said Annexation be repealed; and

WHEREAS, said Voluntary Annexation Petitioners further request that said Annexation now be effective immediately after passage and any and all necessary approval by the Mayor, and any due legal publication thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Annexation Ordinance X-01-92 is hereby amended to read as follows:
SECTION 6. "The above-described territory shall become a part of the City of Fort Wayne effective immediately after passage and any and all necessary approval by the Mayor, and any due legal publication."

SECTION 2. The following provision of Section 6. Of Annexation Ordinance X-01-92 is hereby repealed:

"The above-described territory shall become a part of the City of Fort Wayne on December 31, 1999."

SECTION 3. This ordinance shall be in full force and effect after its passage and any and all necessary approval by the Mayor and due legal publication thereof.

THOMAS E. HAYHURST
Council Member

Read the third time in full and on motion by Hayhurst, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six
Bender, Crawford, Henry, Lunsey, Ravine, Schmidt
NAYS: Three
Edmonds, Hall, Hayhurst
ABSTAINED: None
ABSENT: None

DATED: 12-17-96 Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-04-96 on the 17th day of December, 1996

ATTEST:

Sandra E. Kennedy
City Clerk

D. J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1996, at the hour of 11:30 o'clock A.M., E.S.T.
Sandra E. Kennedy
City Clerk

Approved and signed by me this 20th day of December, 1996, at the hour of 5:30 o'clock P.M.,E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-04-96, passed by the Common Council on the 17th day of December 1996, and that said Ordinance was duly signed and approved by the Mayor on the 20th day of December, 1996, and now remains on file and on record in my office.
WITNESS my hand. and the official seal of the City of Fort Wayne, Indiana, this 27th day of December, 1996.

SANDRA E. KENNEDY, CITY CLERK

1--3 #338811

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time , the dates of publication being as follows:

1-3-97

Julie L Smith

Subscribed and sworn to before me this 3rd day of JAN , 19 97.

Mary L Schneider
Notary Public

MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14,1997

My commission expires:

Form Prescribed by State Board of Accounts — General Form No. 99P (Revised 1987)

FW COMMON COUNCIL
(Governmental Unit)

ALLEN County, Indiana

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

#320132

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ILL NO. X-96-12-05
ANNEXATION ORDINANCE NO. X-04-96

N ORDINANCE AMENDING ANNEXATION RDINANCE NO. X-01-92.

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/HEREAS, the Petitioners to said Voluntary Annextion have filed a special petition with the Common ouncil of the City of Fort Wayne on November 22, 996, a copy of which is attached hereto as Exhibit A;" and

/HEREAS, said Voluntary Annexation Petitioners ow request that the provision of Annexation Ordiance No. X-01-92 delaying the effective date of aid Annexation be repealed; and

/HEREAS, said Voluntary Annexation Petitioners urther request that said Annexation now be effecive immediately after passage and any and all necssary approval by the Mayor, and any due legal ublication thereof.

IOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Annexation Ordinance X-01-92 is hereby amended to read as follows:
SECTION 6. "The above-described territory shall beome a part of the City of Fort Wayne effective imnediately after passage and any and all necessary pproval by the Mayor, and any due legal publicaion."

SECTION 2. The following provision of Section 6. Of nnexation Ordinance X-01-92 is hereby repealed:

The above-described territory shall become a part of he City of Fort Wayne on December 31, 1999."

SECTION 3. This ordinance shall be in full force and effect after its passage and any and all necessary pproval by the Mayor and due legal publication hereof.

THOMAS E. HAYHURST
Council Member

Read the third time in full and on motion by Hayhurst, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six
Bender, Crawford, Henry, Lunsey,
Ravine, Schmidt
NAYS: Three
Edmonds, Hall, Hayhurst
ABSTAINED: None
ABSENT: None

DATED: 12-17-96

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-04-96 on the 17th day of December, 1996

ATTEST:
Sandra E. Kennedy, City Clerk
D. J. Schmidt, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1996, at the hour of 11:30 o'clock A.M., E.S.T.
Sandra E. Kennedy
City Clerk

Approved and signed by me this 20th day of December, 1996, at the hour of 5:30.o'clock P.M.,E.S.T.
Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-04-96, passed by the Common Council on the 17th day of December 1996, and that said Ordinance was duly signed and approved by the Mayor on the 20th day of December, 1996, and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 27th day of December, 1996.

SANDRA E. KENNEDY, CITY CLERK
#338811

_columns wide equals 117 equivalent lines — $ 42.59

ces containing rule or tabular work
nt)

publication ($1.00 for each proof in excess of two) — 1.00

AIM — $ 43.59

OST

5 ems

and penalties of Chapter 155, Acts 1953,

regoing account is just and correct, that the amount r allowing all just credits, and that no part of the

Julie L Smith

, 19 97 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time , the dates of publication being as follows:

1-3-97

Julie L Smith

Subscribed and sworn to before me this 3rd day of JAN , 19 97.

Mary L Schneider
Notary Public

MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14,1997

My commission expires:

Form Prescribed by State Board of Accounts

General Form No. 99P (Revised 1987)

FW COMMON COUNCIL
(Governmental Unit)

ALLEN County, Indiana

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

117 lines, 1 columns wide equals 117 equivalent lines
at .364 cents per line $ 42.59

Additional charge for notices containing rule or tabular work (50 percent of above amount)

Charge for extra proofs of publication ($1.00 for each proof in excess of two) 1.00

TOTAL AMOUNT OF CLAIM $ 43.59

DATA FOR COMPUTING COST

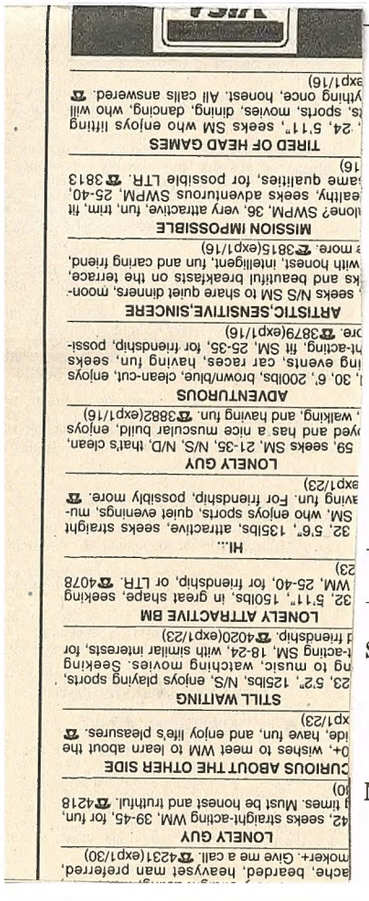
Width of single column 12.5 ems
Number of insertions 1
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Julie L Smith

Date: JAN 3, 19 97 Title: Clerk



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Mary L Schneider
Notary Public

My commission expires: MARY L SCHNEIDER NOTARY PUBLIC STATE OF INDIANA ALLEN COUNTY MY COMMISSION EXP JUNE 14,1997

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Julie L Smith
Clerk

Date: JAN 3, 19 97 Title:

ON THE RADIO

Associated Press

Paula Zahn's baby boy insisted on
on New Year's Day. That was the eas
hard part was hailin
the hospital during
midnight holiday
New York.
"The first surpr
bor," the CBS cor
said Thursday.
"The next sur
competing for a c
a.m. with hundred
ers spilling out of
festivities in Cen
all trying to escape
gree weather. It to
utes!"

Zahn

Her son, Austin, arrived two week
weighed just under 6 pounds.
Zahn is married to real estate deve
ard Cohen.
They have two other children, H
Jared, 3.

PUBLISHER'S AFFIDAVIT

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) ss:
Allen County)

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ALLEN COUNTY
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